

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JERMAINE BLAIR,

No. 2:22-cv-00670 KJM DB P

Plaintiff,

ORDER

v.

VISS, et al.,
Defendants.

Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. § 1983. Plaintiff claims defendants used excessive force against him and failed to protect him in violation of his constitutional rights. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 31, 2023, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. (ECF No. 30.) Neither party has filed objections to the findings and recommendations.

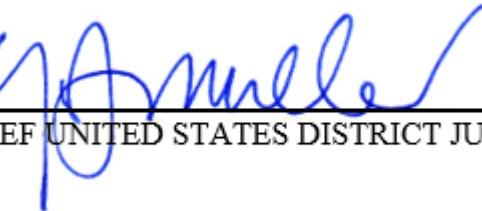
The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

1"). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed August 31, 2023, are adopted in full;
5 2. Defendants' motion for partial summary judgment (ECF No. 24) is granted;
6 3. This action shall proceed solely on plaintiff's excessive force claim against defendants
7 Viss, Cox, Anaya, and Ruiz and his failure to protect claims against defendants Francisco-Justo
8 and Reynolds; and
9 4. This action is referred back to the assigned magistrate judge for all further pretrial
10 proceedings.

11 DATED: November 20, 2023.

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13 CHIEF UNITED STATES DISTRICT JUDGE
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